

CHAPTER NO. 202

SENATE BILL NO. 1597

By Ramsey, Elsea

Substituted for: House Bill No. 1113

By Scroggs, Walker

AN ACT To amend The Tennessee Employment Security Law, Tennessee Code Annotated, Sections 50-7-302(a)(9) and 50-7-303(a)(2), relative to unemployment insurance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 50-7-302(a)(9), is amended by deleting the language in such subdivision in its entirety and substituting instead the following new language:

“Deleted by 1999 amendment.”

SECTION 2. Tennessee Code Annotated, Section 50-7-303(a)(2), is amended by deleting the semi-colon (;) at the end of such subdivision and substituting instead a period (.) and adding the following new language:

A discharge resulting from a positive result from a drug test for drugs administered in conformity with the provisions of Title 50, Chapter 9, will be deemed to be a discharge for misconduct connected with such claimant's work. A discharge resulting from an alcohol test administered in conformity with the provisions of Title 50, Chapter 9, where the claimant's blood alcohol concentration level is equal to or greater than ten-hundredths of one percent (.10%) by weight for non-safety-sensitive positions, and four-hundredths of one percent (.04%), as determined by blood or breath testing, for safety-sensitive positions, shall be deemed to be a discharge for misconduct connected with work. A discharge resulting from a refusal to take a drug test or an alcohol test authorized by the provisions of Title 50, Chapter 9, shall be deemed to be a discharge for misconduct connected with work where it is based upon substantial and material evidence of the employee's refusal. As regards an injured employee, refusal shall not be presumed from failure to take such test during a period of approved medical leave.

SECTION 3. This act shall take effect for benefit years established on or after July 4, 1999, the public welfare requiring it.

PASSED: May 10, 1999


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 19th day of May 1999


DON CONQUIST, GOVERNOR